

1 HB53
2 147012-1
3 By Representative Morrow
4 RFD: Education Policy
5 First Read: 05-FEB-13
6 PFD: 01/24/2013

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8 SYNOPSIS: This bill would authorize the formation of
9 volunteer emergency security forces at public K-12
10 schools in the state consisting of current and
11 retired school employees and local citizens.

12 This bill would provide for the role of the
13 sheriff and the chief of police in the training and
14 supervision of emergency security forces.

15 This bill would provide for implementation
16 of the act by the State Department of Education and
17 each local board of education.

18 This bill would also provide for
19 indemnification.

20 Amendment 621 of the Constitution of Alabama
21 of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of
23 Alabama of 1901, as amended, prohibits a general
24 law whose purpose or effect would be to require a
25 new or increased expenditure of local funds from
26 becoming effective with regard to a local
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of
2 specified exceptions; it is approved by the
3 affected entity; or the Legislature appropriates
4 funds, or provides a local source of revenue, to
5 the entity for the purpose.

6 The purpose or effect of this bill would be
7 to require a new or increased expenditure of local
8 funds within the meaning of the amendment. However,
9 the bill does not require approval of a local
10 governmental entity or enactment by a 2/3 vote to
11 become effective because it comes within one of the
12 specified exceptions contained in the amendment.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 Relating to public K-12 education; to authorize the
19 formation of volunteer emergency security forces at public
20 schools in the state consisting of current and retired school
21 employees and local citizens; to provide for the role of the
22 sheriff and the chief of police in the training and
23 supervision of emergency security forces; to provide for
24 implementation of the act by the State Department of Education
25 and local boards of education; to provide for indemnification;
26 and in connection therewith to have as its purpose or effect
27 the requirement of a new or increased expenditure of local

1 funds within the meaning of Amendment 621 of the Constitution
2 of Alabama of 1901, now appearing as Section 111.05 of the
3 Official Recompilation of the Constitution of Alabama of 1901,
4 as amended.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. (a) Upon a determination by the principal
7 of a public K-12 school, or the local superintendent of
8 education, that the safety of the students at a school is not
9 adequately protected or that additional security is necessary
10 to ensure the safety of the students or employees, the
11 principal or local superintendent of education may request
12 volunteers to serve on an emergency security force for the
13 school.

14 (b) Once a list of volunteers has been compiled, the
15 principal or the local superintendent of education shall
16 submit the list to the local sheriff or chief of police, as
17 applicable. The sheriff or chief of police shall review the
18 list to determine whether the list contains a sufficient
19 number of suitable volunteers to staff an emergency security
20 force at the school. If the sheriff or chief of police
21 determines the number of suitable volunteers is sufficient, he
22 or she may initiate an emergency security force program for
23 the school. To the extent possible, the identity of volunteers
24 selected to serve on an emergency security force shall be
25 protected.

26 (c) Upon formation of an emergency security force,
27 the sheriff or the chief of police, in conjunction with

1 administrative school personnel, shall prepare a detailed
2 crisis plan for the school that includes a comprehensive plan
3 of action for the emergency security force to follow in the
4 event the security of the school is compromised or the safety
5 of students or employees is threatened. The plan shall also
6 specify how and where weapons may be stored and carried by
7 emergency security force members and circumstances under which
8 certain weapons may be used. All weapons and equipment used
9 shall be approved by the sheriff or the chief of police, as
10 applicable.

11 (d) A volunteer emergency security force member
12 shall be classified as a reserve deputy sheriff or reserve
13 police officer and shall serve in that position at the
14 pleasure of the sheriff or chief of police. Service as a
15 reserve deputy sheriff or reserve police officer under this
16 section shall not include the power of arrest. As a member of
17 an emergency security force, a volunteer shall receive any
18 training deemed necessary by the sheriff or the chief of
19 police and, when fulfilling his or her duties as a member of
20 the emergency security force, shall be under the supervision
21 and direction of the sheriff or chief of police. The sheriff
22 or chief of police may offer self defense or other training to
23 those school employees who are not selected to serve on an
24 emergency security force.

25 (e) An emergency security force member shall receive
26 no compensation for his or her service on an emergency
27 security force, but may be reimbursed for actual necessary

1 expenses incurred in the discharge of his or her duties on
2 behalf of the emergency security force from funds otherwise
3 appropriated by the local board of education. Nothing in this
4 subsection shall prohibit a local board of education from
5 providing a salary supplement to the members of an emergency
6 security force.

7 (f) Expenses related to the training of emergency
8 security force members and the purchase of any equipment and
9 weapons deemed necessary by the sheriff or chief of police
10 shall be administered by the local board of education and paid
11 from funds appropriated for that purpose.

12 (g) The state shall indemnify and hold the members
13 of an emergency security force, the members of the local board
14 of education, the local superintendents of education, the
15 members of the State Board of Education, the local sheriff,
16 the local chief of police, the county, or any municipality
17 within the county harmless in the amount of any settlement or
18 judgment obtained against such persons arising out of any
19 actual or alleged act, error, or omission that occurred within
20 the scope of service, employment, duties, or responsibilities,
21 or that such persons had a reasonable basis for believing
22 occurred within the scope of service, employment, duties, or
23 responsibilities, provided that the actual or alleged act,
24 error, or omission did not result from intentional or willful
25 and wanton misconduct on the part of such persons.

26 (h) The State Department of Education shall
27 promulgate rules as necessary to provide for the

1 implementation of this section and each local board of
2 education shall oversee and provide for local implementation
3 of this section within the schools under its jurisdiction.

4 Section 2. Although this bill would have as its
5 purpose or effect the requirement of a new or increased
6 expenditure of local funds, the bill is excluded from further
7 requirements and application under Amendment 621, now
8 appearing as Section 111.05 of the Official Recompilation of
9 the Constitution of Alabama of 1901, as amended, because the
10 bill requires expenditures only by a school board.

11 Section 3. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.